

TRANSLATION OF SWORN STATEMENT OF MIGDALIA MAGRÍZ

Migdalia Magríz, plaintiff in the above-captioned case, employee of Crowley, and resident of Canóvanas, Puerto Rico, declare under pain of perjury that:

1. I was reinstated as a bonafide member of the Teamsters Union by way of a preliminary injunction, and thanks to that, I was qualified and nominated, and was able to run for the position of Secretary-Treasurer (the highest office) of the Executive Board of the Union on the Teamsters Making a Difference slate in the elections held in 2011. I did not win a majority, in part because our slate did not have the resources, money and time to carry out a campaign in many shops.

2. One of the consequences of having been illegally suspended as bona fide union member was that I lost my position as elected steward for the Auto Division at Crowley. They removed me from the division as a result of my having lost my “super-seniority” status as steward. Even though this Court ordered my reinstatement, I had to return to insist on my reinstatement as steward and my super-seniority in order to return to where I had been. Under the threat of contempt, the Union responded with an agreement that would allow me to serve as absentee steward in the Car Division, still without having taken the steps necessary to restore my super-seniority. At the same time, they announced elections for the steward’s position two weeks later, which forced me to run for the steward’s position after two years away from that unit. Although the Court restored me as steward for the Auto Division and ordered they guarantee my super seniority and that the steward election be postponed, I was unable to win the election scheduled for two weeks later.

3. The current Secretary Treasurer of the Union is Alexis Rodríguez, the same officer who, then as President, filed the charges against Maritza Quiara, Silvia Rivera and me, which

provoked this litigation. Rodríguez was an employee in my shop, and maintains close relationships with both management and employees. As the principal figure of the Union when this Court ordered our reinstatement and the cancellation of the \$10,000 fine, Rodriguez has demonstrated that we need the protection of a permanent injunction.

4. I say this because otherwise he will not respect the decrees of the courts, as is demonstrated by his conduct during the disastrous strike at B. Fernández, where sanctions for violating the Broad Order were indeed imposed.

5. The campaign was a very important experience, which allowed us to know how deep is the disillusion with our current leaders, and the fear that a large part of the membership have of being perceived as dissident. Many members told us that they were afraid to support us. Notwithstanding our efforts, the incumbent slate won, but we will not give up, even if it takes several elections to overcome this fear. Nonetheless, given the degree and extent of the fear of reprisals towards those persons perceived as dissidents, only a permanent injunction will enable us to campaign in the future with confidence and without fear, and to convince others that the Union is obliged to respect our rights—and that the Court supports us in protecting them.

6. I remain a proud and faithful Teamster and, should the opportunity present itself, should I be nominated, I would like to run again, for the position of steward or in the next elections in 2014.

7 The unique relation between the current Board of Directors and the Crowley management makes me extremely vulnerable, and I must be ever vigilant to any effort by those who currently control the Union to manage to have me fired.

8. Just after the elections, those sympathetic to the incumbents approached me at work to claim that what I wanted to do with my campaign was to “damage the Union.” On one occasion

there were about ten of them, all men, including three Crowley employees, two of whom I know by their nicknames: “Quique Hulk,” “GI Joe,” who went to accuse me of this in a belligerent manner. Also there was Nestor Ayala, cousin of José Ayala. The discussion became so heated that one of them said that the only reason he was not going to hit me was because I was a “girl.”

9. One of the current managers at Crowley is José Ayala, who was part of the Executive Board during the incumbency of Germán Vázquez and Alexis Rodríguez. When Ayala ceased being president of the Union to take a job in Crowley management, the current Secretary Treasurer, Alexis Rodríguez, dedicated a plaque and a message of praise for his supposedly exemplary for his service to the Union to him. At that time, it was denied that he was going to work for management. Ayala first went to Crowley offices in Jacksonville, but later arrived in Puerto Rico as general manager of operations.

10. In addition, former Secretary Treasurer Germán Vázquez, who was obligated to leave the Union by the IRB for appropriated Union money, was contracted by Crowley for a time as “labor consultant.” When union members became aware of this, they had to let him go.

11. At my work, I live in a situation of high anxiety because of the close relation between the current Union leaders, their allies and family members and the Crowley management, especially Ayala. I have to be extremely careful in all my duties, because I have seen that various sympathizers with my campaign with between 15 and 30 years experience have been fired or suffered other consequences at the hands of management, while family members and friends of those on the Board and its team obtain jobs and, when they commit errors, nothing happens to them because of the friendship that exists between management and the leaders of our Union. Among the newly hired are the son of Rey Lebrón and the sister of Alexis Rodríguez (both Board members), and a family member of “Quique Hulk.” At the same time, one of those

who supported me and had 30 years of service was fired for a work accident less serious than those that happen to family members and friends of the Board. And José Grajales, who worked openly in favor of my slate, with 24 years of service, was fired more than a year ago. The Union is very slow to see these cases, which should be given priority.

12. So it seems to me that there is favoritism on the part of management and the Union towards those on good terms with Ayala and the Union incumbents. I know that others at my work share this perception. We who challenged the old and current leadership of the Union feel abandoned by our Union, while also harassed by management.

13. On September 18 of this year, the NLRB issued a decision affirming that of the Administrative Judge regarding the illegality of the sanctions that were imposed on me, Maritza Quiara and Silvia Rivera. But, to my surprise, it declared that that agency did not have the power to order the remedy which it initially gave us: cancellation of the punitive fines and our reinstatement as members in good standing of our Union, and as steward, if elected.

14. From the moment I read the NLRB decision about my case, I can hardly sleep. Now, if the preliminary injunction is not made permanent I will have no protection against the suspension of six years and the fine of \$10,000.00. I will also lose the right to run for a position as steward. Even worse, without a permanent injunction, the Union will be able to demand immediate payment of the \$10,000.00 fine. Since I will never be able to pay it, they can expel me for not fulfilling that sanction, without more.

15. Because I want to continue working to make the Teamsters union a different and democratic union, and for my peace and security, I request that the injunction be made permanent. That way I will be able to remain as a Union member and concentrate on fulfilling my duties as a worker and union member without the undue pressures to which I am currently

subjected.

And to so establish, I declare under pain and penalty of perjury and sign in San Juan, Puerto Rico today \_\_\_\_ of September, 2012.

MIGDALIA MAGRÍZ

Linda Backiel, bilingual counsel for Plaintiffs, hereby certify that I have faithfully translated the original Spanish version of this Declaration into English. /s: Linda Backiel

Dated: 1 October 2012.